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cc: order, docket, remand letter to  
 Los Angeles Superior Court,  
 No. BC 488956

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

11	DONNY MACIAS, on behalf of	)	Case No. CV 12-07550 DDP (VBKx)
12	himself and all others	)	
12	similarly situated,	)	<b>ORDER REMANDING CASE TO STATE</b>
13		)	<b>COURT</b>
13	Plaintiff,	)	
14		)	
14	v.	)	
15		)	
15	AUTOMOBILE CLUB OF SOUTHERN	)	
16	CALIFORNIA,	)	
16		)	
17	Defendant.	)	
17		)	
18	_____	)	

Plaintiff originally filed suit against Defendant in California state court on July 25, 2012. Defendant removed the action to this court on September 4, 2012, on the basis of federal question jurisdiction. The court finds that it lacks subject matter jurisdiction and therefore remands the entire matter to state court.

In his Complaint, Plaintiff asserts only state law claims, stemming from Defendant's alleged discrimination against individuals with disabilities. Defendant nonetheless contends that there is federal question jurisdiction, because Plaintiff has

1 alleged in his Complaint that violations of the federal Americans  
2 with Disabilities Act ("ADA"), 42 U.S.C. § 12101, also constitute  
3 violations of the state laws asserted in the Complaint. However,  
4 as another district court in this Circuit has explained in detail,  
5 such allegations do not - on their own - create federal question  
6 jurisdiction. See Pickern v. Best W. Timber Cove Lodge Marina  
7 Resort, 194 F. Supp. 2d 1128, 1131-33 (E.D. Cal. 2002). Again,  
8 Plaintiff only alleges state law claims here; he has chosen not to  
9 allege any claims under the ADA.

10 Accordingly, the court finds that it lacks subject matter  
11 jurisdiction, and REMANDS this case to California state court.

12  
13 IT IS SO ORDERED.

14  
15  
16 Dated: September 17, 2012

  
DEAN D. PREGERSON  
United States District Judge